

Message

From: Kelly, Shaheerah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=93B5AC12171C4246AF92572984EED4ED-SFATEEN]
Sent: 4/30/2019 5:49:50 PM
To: Mary Giraudo [MGiraudo@mbard.org]
CC: Armando Jimenez [AJimenez@mbard.org]; Rios, Gerardo [Rios.Gerardo@epa.gov]
Subject: FW: NSPS Subpart EEEE
Attachments: ATT00001.txt

Mary, thanks for your inquiry.

1. It would be helpful to know who is identified as the owner or operator of the facility, even after it is no longer considered a demonstration project. Please let me know.

The 40 CFR part 60, subpart EEEE provisions state at 60.2977 that "Terms used but not defined in this subpart are defined in the Clean Air Act and subpart A (General Provisions) of this part."

The 40 CFR part 60, subpart A general provisions at 60.2 state that "Owner or operator means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part."

2. Regarding the delegation status, I also looked this up and see that it does not have a "check mark" by its name for 40 CFR part 60, Subpart EEEE. This means that EPA has not delegated the District authority to implement the 40 CFR part 60, subpart EEEE regulations. So EPA implements the regulation until it is delegated to the District. You may contact Doris Lo at (415) 972-3959 or at Lo.Doris@epa.gov if you have questions about obtaining delegation.

Thanks.

Shaheerah Kelly
Permits Office, Air Division (AIR-3)
U.S. Environmental Protection Agency, Region 9
San Francisco, CA 94105
Phone: 415-947-4156
Fax: 415-947-3579
Email: kelly.shaheerah@epa.gov

Lastly, I noticed on Subpart A, delegation status, our District did not have a check mark by its name for delegation of Subpart EEEE. Can you confirm we have delegation to enforce this regulation.

From: Mary Giraudo <MGiraudo@mbard.org>
Sent: Thursday, April 25, 2019 8:16 AM
To: Rios, Gerardo <Rios.Gerardo@epa.gov>
Cc: Armando Jimenez <AJimenez@mbard.org>
Subject: NSPS Subpart EEEE

Hello Gerardo,

I was hoping to get some direction regarding a municipal solid waste pyrolysis unit under construction, located at the Department of the Army's Fort Hunter Liggett military training base. The operation was issued ATCs in 2015, and was determined to be exempt from Subpart AAAAA. However, the project was just recently discovered to be subject to Subpart EEEE – *Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or Which Modification or Reconstruction is Commenced on or After June 16, 2006.*

In an effort to revise the ATCs, I was hoping to get clarification on the definition of "*initial startup*" and "*institutional facility*".

For this demonstration project the ATCs were not issued to the U.S. Army but to the contractor, Sierra Energy. Although the permits are issued to Sierra Energy, would the project still qualify as an institutional facility? Where institutional facility is defined as a land-based facility owned and/or operated by an organization having a **governmental**, educational, civic or religious **purpose** such as a school, hospital, **military installation**, church, or other similar establishment or facility.

Currently, the facility just misses the *rural institutional waste incinerator* exemption to Subpart EEEE by just a few miles, per Section 60.2887 (h)(i). According to OMB Bulletin #05-02, Arroyo Grande, Paso Robles and San Luis Obispo were combined and identified as a Metropolitan Statistical Area. But I would like to advise the facility if there is even an option for them to relocate the unit further away (50 Miles) from the Paso Robles boundary to be able to qualify for the exemption.

If the facility cannot qualify for the institutional exemption, it will be defined as a "very small municipal combustion unit" and subject to initial performance testing of Section 60.2928. Section 60.2928 requires that an initial performance test be conducted within 60 days after the OSWI unit reaches the charge rate at which it will operate, but no later than 180 days after its initial start-up.

Starting in November 2018, the facility has conducted several small campaigns to cure the refractory. The curing process utilized wood waste only, and no MSW has been introduced into the system yet. Clearly, the facility has not only not approached their charge rate but they also have not operated on the intended final fuel of MSW generated from the military base. However, I would like clarification of the statement "but no later than 180 days after **initial start-up**". Could the District interpret initial start-up to mean 180 days after its initial start-up in production phase with the combustion of MSW?

If you disagree with this interpretation, can the facility submit a request for an extension under *force majeure*?

In addition, the produced gases will be treated through a series of scrubbers prior to being discharged to either a flare, prime engine generator, or a Fisher Tropsch processing line. The ATCs issued for both the flare and the engine have source testing requirements. With that being said will the facility need carbon monoxide and oxygen CEMS at each exhaust point (flare and engine), or could the facility install one CEMS at the outlet of the pyrolysis's gas cleaning system?

Lastly, I noticed on Subpart A, delegation status, our District did not have a check mark by its name for delegation of Subpart EEEE. Can you confirm we have delegation to enforce this regulation.

Look forward to discussing this project with you.

Sincerely,

Mary Giraudo, Engineering Supervisor



24580 Silver Cloud Court

Monterey, CA 93940

Office: 831-647-9411; Direct: 831-718-8018

www.mbard.org